



## Nibley City Council Agenda Report for February 19, 2015

### Agenda Item #2

<b>Description</b>	Discussion and consideration of Ordinance 15-03: An ordinance regulating public peace and property in Nibley City (First Reading)
<b>Department</b>	Planning
<b>Presenter</b>	Shari
<b>Sponsor</b>	N/A
<b>Applicant</b>	N/A
<b>Background</b>	<p>Typically, when we do ordinance revisions, you are given a copy of the original ordinance and changes are tracked/marked on a new copy. However, this is a combination of several ordinances so it wouldn't be practical to have a track changes copy. Staff felt it would be better if you were looking at this as if we were starting from having no ordinance. I have pointed out in the proposed ordinance where there is a deviation from what we have on the books right now.</p> <p>Although it was noise issues that were the genesis of this ordinance, staff felt it would be a good idea to both broaden it to include other areas of health, safety and welfare and to consolidate it into one location. That is why this ordinance is not limited to just noise.</p> <p>We have received a series of complaints over the past year or so regarding noise. Complaints have ranged from garage bands to generators running to construction noise to parties in the park. We have not had anything on the books to regulate noise, which has made it difficult to handle when we get complaints from residents.</p> <p>The majority of the comments/changes are noted on the ordinance, but there are a few things to keep in mind regarding noise, as we are reviewing the ordinance.</p> <ul style="list-style-type: none"> <li>• One of the difficulties with noise is this: we get 99% of the complaints when it is no longer a problem. People are generally not willing to sign a witness statement in order to cite the offender, usually because it is a friend or neighbor. This is still going to be the case, even if this ordinance is passed. We cannot cite someone based solely on a complaint- we would have no evidence and if the person receiving the citation goes to court, we would have nothing to stand on.</li> <li>• It may be that with this ordinance on the books, people can call the Sheriff when the offense is happening and the officer on duty can come out at that time and issue the citation. But, if people are going to call the City with the complaint, in order for</li> </ul>

	the City to do anything about it beyond issuing a warning letter, the person making the complaint will have to sign a statement of some kind.
<b>Recommendation</b>	Staff recommendation is that this be advanced for a second reading so that Council has an opportunity to have more in depth discussion.
<b>Financial Impact</b>	Minimal. Perhaps increased staff time to field complaints related to noise.
<b>Reviewed By</b>	City Planner/Planning Commission

### Agenda Item #3&4

<b>Description</b>	Public Hearing and then Discussion and Consideration of ORDINANCE 15-02: AN UPDATE TO THE NIBLEY CITY SUBDIVISION ORDINANCE (First Reading)
<b>Department</b>	Planning
<b>Presenter</b>	Shari Phippen
<b>Sponsor</b>	n/a
<b>Applicant</b>	n/a
<b>Background</b>	<p>Requested changes/suggestions have been incorporated. It seems that the bulk of the discussion is going to revolve around the secondary water system issue. Based on my interpretation of comments I've received, there seems to be a desire for the City to get to the point where culinary water is used for indoor use only. I had some concern over these issues, so I spent some time going over them with our City Attorney this week.</p> <p>These were his comments (they were too long to incorporate into the document):</p> <p><b>“If a secondary system is required of one developer and not of another, the developer who puts in a secondary system could say there is an inherent unfairness, just because he/she/it still has the irrigation shares necessary to support a secondary system. There are at least two ways to address this concern. First, inasmuch as the secondary system will reduce the demand on the culinary system, a credit against the water impact fee can be granted for each lot owner, in an amount determined by the City Council. Something of this nature will likely be the easiest solution to adopt. The developer can use this as a selling point. Second, a monetary exaction could be imposed; with the money being reserved for purchasing secondary water shares which would eventually be used to provide secondary water to the property for which the exaction was imposed.</b></p> <p><b>The engineered study required by 73-1-4(2) (f) (i) does not distinguish between indoor and outdoor water requirements. It states that the reasonable future water requirement of the public is the amount of water needed in the next 40 years by persons within</b></p>

	<p><b>the public water supplier's (Nibley City's) projected service area based on projected population growth or other water use demand. The engineer performing the study could and should break down the estimated water needed between indoor and outdoor use. With this information, the City would be in a position to determine and take the steps necessary to make the indoor use of water last the longest, with secondary water use helping to extend the number of years that indoor water will be available with present sources.</b></p> <p>There are properties within City limits where the shares have been sold off- sometimes it would have been many years ago. I believe a discussion should be had about how to handle those- would we require a developer to go out and purchase sufficient shares for both a secondary and culinary system? Or in areas where there aren't shares associated with the property, is a pure culinary system acceptable?</p> <p>I also believe it would be in the City's long-term interest to do a 40-year supply report so we can look down the road and see if we will get to a point where we can restrict the uses of culinary water. Right now, I don't believe we have anything in place which justifies any level of restriction.</p>
<b>Recommendation</b>	<p>I believe the ordinance is ready for adoption, provided that the Council can arrive at a consensus on how to handle secondary systems; that is, whether they should be encouraged or whether they should be required.</p>
<b>Financial Impact</b>	<p>To the best of my knowledge, the only financial impact will be increased time for staff to review items. Any additional costs related to our engineering or legal review would be passed on to the developer. Once this and other ordinances related to land use are in place, I suggest a major revisit of the fee schedule to ensure our costs are being covered and not borne by our citizens.</p>
<b>Reviewed By</b>	<p>City Planner/Public Works Director/Planning Commission.</p>